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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,952	05/18/1999	HIDEKI MURAYAMA	501.34424CX2	1937

20457 7590 04/08/2003

ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON, VA 22209

EXAMINER

NGUYEN, HAI V

ART UNIT PAPER NUMBER

2142

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/311,952

Applicant(s)

MURAYAMA ET AL.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 88-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 88-103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. This Office Action is in response to the communication received on 24 February 2003.
2. Claims 88-103 are presented for examination.

Continued Prosecution Application

3. The request filed on 24 February 2003 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/311,952 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Arguments

4. Applicant's arguments filed on 24 February 2003 have been fully considered but they are not persuasive.

In this instant application, Applicant argues that the prior art fail to teach a processor for issuing a disk request to said plurality of shared disks for requesting access to one of said shared disks and a disk request processing section for processing said disk request issued to said plurality of shared disks, wherein the disk request processing section processes said disk request to the shared disk connected to said computer if said disk request requests access to the shared disk connected to said computer, and sends said disk request to another computer to access the shared memory device connected to said another computer if said request requests access to the shared disk connected to said another computer as recited in claim 1.

Accordingly, Crawford teaches a processor (Fig. 3, customer processor, item 52) for issuing a disk request to said plurality of shared disks (Fig. 5, items 116a, 116b;

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136I-136K) for requesting access to one of said shared disks (one of virtual disks I:, J:, K:); and

a disk request processing section for processing said disk request issued to said plurality of shared disks (Fig. 7, item 306, Customer Server Router Control), wherein said disk request processing section processes said disk request to the shared disk connected to said computer if said disk request requests access to the shared disk connected to said computer, and sends said disk request to another computer to access the shared memory device connected to said another computer if said request requests access to the shared disk connected to said another computer (col. 26, line 35 – col. col. 28, line 17).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 89 recites the limitation " wherein said memory disk request processing section" in claim 89. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 89-99 are rejected under 35 U.S.C. 102(e) as being anticipated by **Crawford** patent no. (US **5,771,354**).

9. As to claim 88, Crawford, Internet On-line Backup Remote Storage For Customers Using IDs And Passwords Which Were Interactively Established When Signing Up For Backup Services, teaches the invention substantially as claimed, including in a computer system having a plurality of computers (Fig. 5, items 104, 160, 50a, 50b) connected to each other and a plurality of shared disks (Fig. 5, virtual disks, items 64BD-64BF; 164A-164C; 136I-136K; 136(1)-136(3); 136(4)-136(6)), each of said plurality of shared disks being coupled to one of said plurality of computers (Fig. 5, item 64BD to computer 160; item 164A to the customer computer 50b), each of said plurality of computers comprising:

a processor (Fig. 3, customer processor, item 52) for issuing a disk request to said plurality of shared disks (Fig. 5, items 116a, 116b; 136I-136K) for requesting access to one of said shared disks (one of virtual disks D:, E:, F:, I:, J:, K:); and

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a disk request processing section for processing said disk request issued to said plurality of shared disks (Fig. 7, item 306, Customer Server Router Control),

wherein said disk request processing section processes said disk request to the shared disk connected to said computer if said disk request requests access to the shared disk connected to said computer, and sends said disk request to another computer to access the shared memory device connected to said another computer if said request requests access to the shared disk connected to said another computer (col. 26, line 35 – col. 28, line 17).

10. As to claim 89, Crawford teaches wherein said disk request processing section further comprises:

a memory (Fig. 3, item 66) for storing structural definition information which describes a structure of said computer system (Crawford, Figs. 16A-16C; col. 39, line 20 – col. 42, line 56); and

a disk request judging section for judging which shared disk is requested by said disk request according to said structural definition information (Crawford, Fig. 7, item 314).

11. As to claim 90, Crawford teaches wherein said disk request processing section further comprises: a disk request acceptance section for checking whether the sender of said disk request has access right to a shared disk to which access is requested according to said structure definition information, wherein said structure definition information includes a password to allow access to said disk to which access is requested (Fig. 13, item 520; Fig. 16A, item 602).

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12. As to claim 91, Crawford teaches wherein said structural definition information includes information indicating a correspondence between each of said plurality of shared disks and a plurality of identifiers (Fig. 5, item 64BD in computer 160 correspondent to item 164A in computer 50b).

13. As to claim 92, Crawford teaches wherein said disk request processing section comprises:

a remote processing disk request section for issuing a remote disk request to said another computer to access said shared disk connected to said another computer (Fig. 5, 6E, remote disk access program; col. 18, line 1 – col. 20, line 65).

14. As Claims 93-94, 96, 98-99 have similar limitations as claims 88-89, 89, 91-92; therefore, they are rejected under the same rationale.

15. Claims 95, 97 have similar limitations as claim 90; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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17. Claim 100-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford as applied to claims 88-99 above, and further in view of the well-known feature of a computer program product.

18. As to claims 100, Crawford teaches a computer program (software program) executed by computer for controlling access to the plurality of shared disks to be accessed as in the system of claim 1 above.

The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a computer-readable memory containing computer readable instructions for the storing and execution of the method and system in order to perform the functional procedures for controlling access to the shared disks connected to the computers (i.e., floppy disks, CD-ROM, hard disk, etc.).

Therefore, it would have been obvious to one of ordinary skill in the data processing art at the time the invention was made to have included the use of a computer-readable memory containing computer readable instructions to store and execute the procedures of controlling access to the shared disks connected to the computers because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art.

19. Claims 101-103 are substantially the same as claims 89, 91-92 and are thus rejected for the reason similar to those in rejection claims 89, 91-92.

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20. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 7:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800/4700

Hai V. Nguyen
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KENNETH R. COULTER
PRIMARY EXAMINER

